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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,841	10/13/2001	Jeffrey C. Hawkins	21495-05938	1707

758 7590 10/19/2005

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EXAMINER

HARVEY, DIONNE

ART UNIT PAPER NUMBER

2646

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/976,841

Applicant(s)

HAWKINS ET AL.

Examiner

Dionne N. Harvey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-111 is/are pending in the application.
- 4a) Of the above claim(s) 1-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 25-111 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/05</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

- I. This application contains claims directed to the following patentably distinct species of the claimed invention:
  - a. Group I is drawn to a hand held computing device wherein the distinguishing feature between a first set and a second set of keys includes a mark adjacent to the selected key set. See claims 54,56 and 98.
  - b. Group II is drawn to a hand held computing device wherein the distinguishing feature between a first set and a second set of keys includes a mark on the selected key set. See claims 51 and 53.
  - c. Group III is drawn to a hand held computing device wherein the distinguishing feature between a first set and a second set of keys includes a arc-shaped mark on the selected key set. See claim 52.
  - d. Group IV is drawn to a hand held computing device wherein the distinguishing feature between a first set and a second set of keys includes a arc-shaped mark adjacent to the selected key set. See claim 55.
  - e. Group V is drawn to a hand held computing device wherein the distinguishing feature between a first set and a second set of keys includes a mark enclosing the selected key set. See claims 57 and 58.

- f. Group VI is drawn to a hand held computing device wherein the distinguishing feature between a first set and a second set of keys includes a first color and second color on at least of portion of respective key sets. See claims 59 and 82.
- g. Group VII is drawn to a hand held computing device wherein the distinguishing feature between a first set and a second set of keys includes a respective first background color and second background color. See claims 60,61 and 75.
- h. Group IIX is drawn to a hand held computing device wherein the distinguishing feature between a first set and a second set of keys includes a respective backlit feature and non-backlit feature. See claims 73,74 and 76.
- i. Group IX is drawn to a hand held computing device wherein the distinguishing feature between a first set and a second set of keys includes a respective first level of translucency and second level of translucency. See claim 77.
- j. Group X is drawn to a hand held computing device wherein the first set and a second set of keys are tactilely distinguishable. See claims 62 and 64-66.
- k. Group XI is drawn to a hand held computing device wherein a distinguishing tactile feature on a selected key set. See claims 63-66.
- l. Group XII is drawn to a hand held computing device wherein a distinguishing tactile feature adjacent to the keys of 67-70.
- m. Group XIII is drawn to a hand held computing device wherein the distinguishing feature between a first set and a second set of keys includes a respective first shape and second shape. See claim 71.

- n. Group XIV is drawn to a hand held computing device wherein the distinguishing feature between a first set and a second set of keys includes a respective first material and second material. See claim 72.
  - o. Group XV is drawn to a hand held computing device wherein the distinguishing feature between a first set and a second set of keys includes a respective first level of transparency and second level of transparency. See claim 78.
  - p. Group XVI is drawn to a hand held computing device wherein the distinguishing feature between a first set and a second set of keys includes a respective first audible signal and second audible signal. See claim 79-81.
- II. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 43 is a generic claim.
- III. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.
- IV. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

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are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

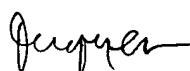
- V. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.
- VI. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- VII. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- VIII. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne N Harvey whose telephone number is 571-272-7497. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7524. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Dionne Harvey

  
**DUC NGUYEN**  
**PRIMARY EXAMINER**